

It was alleged to be misbranded (1) in that the statement "Special Blended Corn & Olive Oil" was false and misleading as applied to artificially colored cottonseed oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial coloring and did not bear labeling stating that fact.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

2511. Adulteration and misbranding of vegetable oil. U. S. v. 35 1-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 5105. Sample No. 33980-E.)

This product was represented to consist of a mixture of corn, cottonseed, and olive oils but consisted essentially of cottonseed oil and peanut oil artificially flavored and artificially colored with an uncertified coal-tar dye.

On July 7, 1941, the United States attorney for the District of New Jersey filed a libel against 35 1-gallon cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 29, 1941, by Italo Olive Oil Importer from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "Ferruggia Brand Corn & Cottonseed Oil and Pure Olive Oil."

The article was alleged to be adulterated in that an artificially colored and flavored mixture consisting essentially of cottonseed oil and peanut oil had been substituted wholly or in part for "Corn & Cottonseed Oil and Pure Olive Oil," which it purported to be; in that artificial color and artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations provided by law.

It was alleged to be misbranded (1) in that the statement "Corn & Cottonseed Oil and Pure Olive Oil" was false and misleading; (2) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under the law to appear on the label; (4) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient, since the presence of peanut oil was not declared; and (5) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2512. Adulteration and misbranding of oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3723. Sample No. 34719-E.)

Analysis showed that this product was artificially flavored cottonseed oil, containing little or no olive oil.

On or about January 29, 1941, the United States attorney for the District of Connecticut filed a libel against 14 cans of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by E. J. McMahon from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The product was labeled in part: "Extra Fine Cielo Celeste Brand."

The article was alleged to be adulterated in that artificially flavored cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for "High Grade Cottonseed Oil & Pure Imported Olive Oil," which it purported to be; in that inferiority had been concealed by the addition of artificial flavor; and in that artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Composed of High Grade Cottonseed Oil & Pure Imported Olive Oil" was false and misleading as applied to artificially flavored cottonseed oil, containing little or no olive oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately

thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and did not bear labeling stating that fact.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

2513. Adulteration and misbranding of vegetable oil. U. S. v. 48 Cans of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 3944. Sample Nos. 46301-E, 46302-E, 46305-E, 46308-E, 46309-E.)

This product was an artificially flavored and artificially colored cottonseed oil simulating olive oil in appearance and flavor and containing a coal-tar dye not certified for food use. The mandatory labeling required by the law was inconspicuous and, in some instances, illegible.

On March 11, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cans of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 8, 1940, by Naples Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled variously in part: "Superfine Brand," "Royal Brand," "Roberta Brand," "Gioiosa Brand," or "Lucci Brand." All the cans bore a stamped statement reading "Corn Oil Color and Flavor Added" that was inconspicuous and, in some instances, illegible.

The article was alleged to be adulterated in that cottonseed oil, artificially flavored and colored, in imitation of olive oil, had been substituted wholly or in part for corn oil, which it purported to be; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statement "Corn Oil Color and Flavor Added" was false and misleading as applied to artificially flavored and colored cottonseed oil; (2) in that it was an imitation of another food, olive oil, and its labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the name and place of business of the packer, the common or usual name of the food, and the declaration of artificial flavoring and coloring, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act did not appear on the label in the foreign language; and (5) in that the article labeled "Lucci Brand" was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2514. Adulteration and misbranding of olive oil. U. S. v. 32 Cans, 4 Cans, 37 Cans, 147 Cans, and 12 Cans of Olive Oil. Default decree of condemnation. Portion of product ordered delivered to charitable institution; remainder ordered destroyed. (F. D. C. No. 3633. Sample Nos. 46166-E to 46170-E, incl.)

This product was found to consist essentially of artificially colored and (excepting one lot) artificially flavored cottonseed oil containing little or no olive oil.

On January 8, 1941, the United States attorney for the District of New Jersey filed a libel against 232 gallon cans of olive oil at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about October 14 and November 11, 1940, by V. Ritacco from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "Rodolfo Brand Olive Oil," "Superfine Olive Oil A. Sasso Brand," "Nerone Brand Olive Oil," "Olio Di Olive-Vergine," and "Olive Oil Superfine Brand."

The article was alleged to be adulterated (1) in that artificially colored and (with the exception of 147 cans) artificially flavored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and with the exception of 147 cans artificial flavor; and (3) in that artificial color and (with the exception previously noted) artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.